IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 6TH DECEMBER 2007 / 15TH AGRAHAYANA 1929

WP(C).No. 7320 of 2007(U)

PETITIONER:

A.X. LESLIE, AGED 63,
S/O. XAVIER, RESIDING AT ANJIPARAMBIL HOUSE,
CBI ROAD, KALOOR P.O., COCHIN-17.

BY ADV. SRI.AUGUSTINE JOSEPH

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY, HOME DEPARTMENT,
SECRETARIAT, TRIVANDRUM.

2. SECRETARY,
LOCAL SELF GOVERNMENT (G) DEPARTMENT,
SECRETARIAT, TRIVANDRUM.

3. GREATER COCHIN DEVELOPMENT AUTHORITY,
REPRESENTED BY SECRETARY, GCDA, KADAVANTHRA,KOCHI

BY ADV. SRI.P.R.RAMACHANDRA MENON, SC,GCDA
GOVERNMENT PLEADER SRI. P.N.SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/12/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 7320/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE REPRESENTATION DT. 3/11/2004 BY THE PETITIONER BEFORE THE R1.

EXT.P2. COPY OF THE LETTER DT. 12/12/2006 FROM R2 TO THE R3.

EXT.P3. COPY OF THE APPROVAL OF DTP SCHEME BY GOVT. GIVING THE DETAILS OF LAND INCLUDED IN THE PROGRAMME FOR ACQUISITION.

EXT.P4. COPY OF THE SECTION 6 DECLARATION DT. 18/07/88 IN GAZETTEE RELATING TO SY. NO. 330/11 DT. 330/14.

EXT.P5. COPY OF THE GOVT. ORDER DT. 8/1/79.

EXT.P5A. COPY OF THE CIRCULAR DT. 6/2/86.

EXT.P5B. COPY OF THE DECISION OF GCDA EXECUTIVE BOARD TO SETTLE THE MATTER AMICABLY DT. 22/2/86.

EXT.P6. COPY OF THE REPRESENTATION SUBMITTED BY P.C. VARGHESE DT. 23/4/86 BEFORE THE CHIEF MINISTER.

EXT.P7. COPY OF THE JUDGMENT DT. 29/6/88 IN OP NO. 9345/87 OF THIS COURT.

EXT.P8. COPY OF THE AWARD RELEATING TO SY. NO. 330/12/ DT. 16/5/89.

EXT.P8A. COPY OF THE AWARD NO. 7/89 DT. 16/5/89 RELATING TO SY. NO. 330/14.

EXT.P9. COPY OF THE LETTER DT. 8/4/05 FROM THE GCDA RELEASING LAND GIVEN IN ADVANCE POSSESSION.

RESPONDENT'S EXHIBITS

EXT.R3A. COPY OF THE LETTER NO. 9754/ESTATE A1/78/GCDA DT. 5/2/07.

EXT.R3B. COPY OF THE LETTER BEARING NO. 37080/G2/02/LSGD DT. 27/2/07 ISSUED BY THE R1.

EXT.R3C. COPY OF THE REPORT BEARING NO. D7/6265/CR/99 DT. 30/6/05 OF THE ADDL. DIRECTOR GENERAL OF POLICE (CRIMES) TRIVANDRUM.

True copy

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ANTONY DOMINIC, J.

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W.P.(C) No. 7320 OF 2007 U

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Dated this the 6th December, 2007

J U D G M E N T

Petitioner is one of the accused in C.C. No. 690 of 1997 on the file of the Chief Judicial Magistrate Court, Ernakulam. Ext. P1 is an application made by the petitioner and others requesting the 1st respondent herein to withdraw the case against them.

2. As is evident from Ext. P2, the Local Self Government Department forwarded the representation to the 3rd respondent for its comments. It is also seen from Ext. R3(b) that the 1st respondent was awaiting the comments of the 3rd respondent for taking a final decision on the matter. At that time it appears that the Governing Body of the 3rd respondent was not constituted and it was therefore that the representation remained unattended.

3. It is now disclosed through the counter affidavit filed by the 3rd respondent that the claim of the petitioner was referred for its

consideration by Ext. P2, and was considered by the Governing Body in their meeting held on 13.9.2007 when a resolution was passed against the withdrawal of the criminal case. It is also stated that they have forwarded the recommendation in that behalf to the 1st respondent. As the matter has no progress, the petitioner has brought up this matter for directing the 1st respondent to expedite the proceedings on Ext. P1.

4. As is evident from Exts. P3 and R3(b), Ext. P1 representation has been received by the 1st respondent and the same is pending. As stated in Ext. R3(b), the 1st respondent was awaiting comments of the 3rd respondent for considering the matter. Now that the 3rd respondent also has furnished its comments, it is time for the 1st respondent to pass final orders on Ext. P1.

5. Accordingly, there will be a direction to the 1st respondent to consider Ext. P1 in the light of the comments that have been furnished by the 3rd respondent and take a final decision in the matter. This, the 1st respondent shall do as expeditiously as

possible, at any rate within 8 weeks of receipt of a copy of this judgment.

Writ petition is disposed of as above.

ANTONY DOMINIC
JUDGE

jan/-